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**Sent:** 10/28/2021 4:10:03 PM  
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**CC:** Acevedo, Janie [Acevedo.Janie@epa.gov]  
**Subject:** ACTION: RA Update 10-28-2021  
**Attachments:** RA Update draft 10-28b-jm.docx; Unused 10-28.docx

**Importance:** High

## R6 Weekly Update October 28, 2021

- **Section 1: N/A**
- **Section 2: Regional Administrator Signature Items**
  - **UIC Class VI Primacy, Louisiana:** By **October 29**, R6 expects to recommend that OW approve the Louisiana Department of Natural Resources (LDNR) revised Class VI Primacy application, which includes a revised program description, revised MOA, and complete documentation of its public hearing process. Our review found this application complete as required under Section 1422 of the SDWA.
  - **Grambling State University, Louisiana:** On **November 8**, R6 expects to sign a Memorandum of Understanding (MOU) with Grambling State University (GSU) in Louisiana and OECA to formalize a partnership and enhance collaboration between R6 and GSU. Under the MOU, R6 and GSU intend to work collectively to progress efforts focusing on preparing students to enter and compete in the federal workforce, providing expertise to review and enhance curriculums and participating on research efforts to promote environmental awareness.
- **Section 3: Hot Topics**
  - **Major policy, regulatory, compliance, or enforcement activities**
    - **Union Pacific Railroad, Houston, Texas:** R6, OLEM and OGC briefed Deputy Administrator McCabe

# Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

HQ OPA is developing a webpage to make the response available to the public. The draft letter transmitting EPA comments on the proposed UPRR permit is currently on hold while the response is under review. Texas A&M University is scheduled to speak with community members during an Impact Fifth Ward community meeting on **October 28** and intends to focus its discussion on conducting a door-to-door health survey and collecting samples from homes.

- **Port of Corpus Christi Authority, Corpus Christi, Texas:** On Tuesday, **October 26**, R6 participated in a call with representatives for the Port of Corpus Christi Authority (POCC) to initiate open communications regarding the proposed project and operations of POCC's desalination plant located on Harbor Island, Corpus Christi Bay. POCC presented information regarding the plant's proposed operation and additional studies and modeling conducted to assess potential impacts of the proposed

discharge to the entire Bay system and aquatic life. Based on POCC's assessment, POCC concludes that the proposed location, Harbor Island, is the most appropriate site within the Corpus Christi Bay for the proposed desalination plant and there will be no impacts to the receiving water body (Corpus Christi Bay system) and aquatic life. R6 anticipates engaging the Texas Commission on Environmental Quality (the primary permitting authority) and POCC on a future conference call. The proposed plant (and its discharges) has raised concerns and opposition from third party entities.

▪ **Ozone Redesignations, Houston-Galveston-Brazoria and the Dallas-Fort Worth Areas, Texas:**

# Ex. 5 AC/DP

- **PCS, Geismar, Louisiana:** On **October 26**, PCS submitted a proposal to the Louisiana Department of Environmental Quality (LDEQ) to repair identified process water leaks in its Active and Inactive Clear Wells. R6 is considering issuing a RCRA 7003 Imminent and Substantial Endangerment order to PCS because the leaks could be posing a risk of catastrophic release of hazardous, highly acidic, cadmium rich water to the environment; however, the Region agreed to delay the issuance of the order to review the seriousness and feasibility of the PCS proposal.
  - **Allied Bioscience, Plano, Texas:** On **October 25** and **26**, Allied BioScience submitted revised labeling to be reviewed by R6, OECA & OPP to assure future export labeling is FIFRA compliant. Additionally, the case team received the economic benefit calculation from third-party consultant Industrial Economics and has finalized the penalty calculation for the various violations of FIFRA. A modification of the Stop, Sale, Use and Removal Order (SSURO) is pending review of the revised versions of the Allied BioScience labeling. Ex. 5 DP / Ex. 7(A)
- Ex. 5 DP / Ex. 7(A)
- **Annual Monitoring Network Plan 2021, Oklahoma:** On **November 1**, R6 expects to offer Tribal consultation to Oklahoma Tribes regarding EPA's approval of Oklahoma's 2021 annual network plan (ANP) and acknowledgement of receipt of Oklahoma's 2021 Sulfur Dioxide (SO<sub>2</sub>) Data Reduction Requirements (DRR) annual report. Consistent with SAFETEA, approval of the ANP and acknowledgement of receipt of the SO<sub>2</sub> DRR will, if finalized as expected, apply to sources and activities in certain areas of Indian Country. Tribal consultation will last for 30 days.
  - **Blue Marlin Offshore Port, off Cameron Parish, Louisiana:** A completeness letter for the Title V application must be issued by **November 5**. R6 issued a completeness letter for the PSD permit application on October 7 and is continuing the completeness review for the 112(g) and Title V applications. R6 will not send a 112(g) letter until issues are resolved. Blue Marlin proposes a crude oil deep water port approximately 82 statute miles off the coast, repurposing an existing natural gas subsea pipeline and offshore platform.
  - **Oak Grove Generating Station, Robertson County, Texas:** The petition Order granting all claims on the Texas Commission on Environmental Quality Title V permit O2942 for the Oak Grove Generating Station was signed by the Administrator on **October 15**. EPA is granting on multiple claims related to monitoring and incorporation of permits by rule. R6 is preparing the federal register notice announcing the Administrator's decision for publication by **November 15**.

- **January Environmental Services, Inc., Oklahoma City, Oklahoma:** Attorneys from R6 and DOJ are set to attend a court-ordered mediation and depose three witnesses employed by January Environmental Services during the week of **November 1** in Oklahoma City. On **October 13**, the court denied the government's Motion for Partial Summary Judgement. It also ruled that the defendants' cross motion was "frivolous" and denied their motion without further explanation.
- **Denka Performance Elastomer, LaPlace, Louisiana:** On **October 25**, R6 notified Denka that its responses to the 114 Information Request continue to be inadequate and requested additional information by **November 5**, including: the qualifications of Denka's lab vendor, a plot plan of proposed monitoring locations, and a timeframe by which Denka expects the monitors to be operational. The facility is currently in turnaround and plans to return to production, post-Hurricane Ida, by the end of October.
- **GAF Materials Corporation, Dallas, Texas:** On **October 22**, R6 agreed to meet with a coalition consisting of 17 environmental and citizen groups to discuss their concern with the Clean Air Act Title V permit renewal for the GAF Materials Corporation (GAF) shingle manufacturing facility in west Dallas. The location, time, and date for the meeting have not yet been set. The Texas Commission on Environmental Quality (TCEQ) is currently processing the GAF permit renewal; it held a public meeting on July 29 and offered a public comment period, which has closed. TCEQ is currently responding to the public comments and will provide R6 a proposed permit subject to a 45-day review period. We expect the groups will raise technical issues and environmental justice concerns, as the GAF facility is located within a half-mile of two public schools, a daycare center, and residential neighborhoods.
- **Texas Vermiculite, Dallas, Texas:** With a goal to obtain access agreements from most property owners by **November 19** and start assessment sampling by **December 17**, W.R. Grace, the Responsible Party (RP), will soon begin the process of seeking access agreements from all landowners within the site investigation boundary. R6 will contact members from the Dallas Council Ward 6, Texas Commission on Environmental Quality, Dallas County Health Department, Dallas Independent School District, Texas Department of State Health Services, Dallas Department of Environmental Quality & Sustainability (GreenDallas), and the Agency for Toxic Substances and Disease Registry to provide notice of the upcoming assessment work. R6 has provided public fact sheets by mail.
- **Eagle Picher Carefree Battery, Socorro, New Mexico:** On **October 26**, R6, in cooperation with the New Mexico Environmental Department (NMED), held a virtual informational public meeting on Superfund Community Involvement Groups (CAG) for the Eagle Picher Carefree Battery Site. The CAG concept, purpose and relationship with EPA was introduced to the community. Also, a brief update on site activities was given. About 30 individuals were in attendance.
- **Tar Creek, Quapaw, Oklahoma:** On **October 27**, R6, R7, the Oklahoma Department of Environmental Quality, and the Quapaw Nation participated in the Tar Creek Conference hosted by the Local Environmental Action Demanded (LEAD) Agency. Presentations related to Operable Units 2, 4, and 5 were presented as well as updates on work being conducted in Kansas and Missouri by R7.
- **National Energy Advisory Team:** On **October 25**, R6 hosted the National Energy Advisory Team biweekly meeting, which focused on an update on the STRONGER MOU, the IOGCC annual conference and the IOGCC-EPA Taskforce meeting as well as methane and produced water issues in the oil and gas sector. The next meeting is scheduled for **November 22**, where the team will revisit these topics, focus on the soon-to-be-released proposed oil and gas methane regulations (40 CFR 60 OOOO/a and Emission Guideline) and report out on the Petroleum Alliance of Oklahoma conference.

- **Major events, emergencies/incidents, or meetings**
  - **November 8:** Interstate Oil and Gas Compact Commission meeting
  - **November 8:** Grambling State University MOU signing ceremony
  - **November 18:** Coastal Bends Bay Foundation Environmental Awards Banquet
- **Section 4: N/A**